UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/2002/NGO/79
31 January 2002

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 11 (g) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *200201051 0*

ENG

Denial of the right of conscientious objection to military service in Republic of Korea

1. The Commission has reaffirmed the universal right to conscientiously object to military service as a legitimate exercise of the right to freedom of thought, conscience and religion laid out in article 3 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights (ICCPR) (E/CN.4.RES/1998/77). The Commission resolved that states should thereby establish independent and impartial decision-making bodies with the task of determining whether a conscientious objection is genuinely held in a specific case, taking account of the requirement not to discriminate between conscientious objectors on the basis of their particular beliefs. The Commission has recommended states with a system of compulsory military service provide various forms of alternative service for conscientious objectors compatible with the reasons for their conscientious objection, of a non-combatant civilian character in the public interest and not of a punitive nature.

2. However in the Republic of Korea about 1600 conscientious objectors to military service are now serving sentences in military prisons. Moreover, almost 100,000 people in the past six decades have completed their sentences and automatically became ex-convicts, facing many social obstacles as a result. According to a report by the Ministry of Defence, there were 361 conscientious objectors in 1996, 377 in 1997, 515 in 1998, 607 in 1999 and 632 in 2000 who received a three-year sentences after being charged with violating military law.

3. The Republic of Korea is the only country in the world without any form of alternative service for conscientious objectors, even though the government ratified the ICCPR in 1990 and approved the Commission's resolution on the right of conscientious objectors to military service in 2000.

4. In the Republic of Korea most conscientious objectors are members of the Jehovah's Witness. If they object to military service they are sentenced for three years as well as facing social discrimination, such as fewer employment opportunities. Even though there was one recent exception—on 13 September 2001 the Seoul District Court sentenced two Jehovah's Witness believers to only one year and six months in prison— the government has not changed its policy on conscientious objectors.

5. Previously some progressive national assemblymen tried to enact an alternative law but without success. This legislative effort was blocked because it was strongly opposed by the largest conservative Christian group in the Republic of Korea, which insists that the Jehovah's Witness is a heretical group. This group claimed that if the government enacted an alternative law it would mean recognition of the Jehovah's Witness as a religion.

6. The right of conscientious objection to military service is a fundamental human right as well as a legitimate exercise of the right to freedom of thought, conscience and religion. The Government of the Republic of Korea should provide conscientious objectors with various forms of alternative service and should refrain from subjecting conscientious objectors to imprisonment and to repeated punishment for failure to perform military service, as soon as possible.